

BRIEFING STATEMENT

Unit: Glen Canyon National Recreation Area
Title: Record of Decision on the Final Environmental Impact Statement for Personal Watercraft (PWC) Rule-Making

Congressional Districts:

Utah	3 rd District	Christopher Cannon	Senators	Robert Bennett Orrin G. Hatch
Arizona	1 st District	Rick Renzi	Senators	Jon Kyl John McCain

The Park Superintendent briefed the following congressional members, staff and committee staff in early May 2002: Senator Robert Bennett (UT); Representatives Jim Hansen (UT-1) and Jim Matheson (UT-2); Cody Stewart (staff to Representative Cannon [UT-3]); Senate Energy and Natural Resources professional staff Davis Brooks and Jim O'Toole; Senate Interior Appropriations S/C Clerk Peter Kiefhaber; House Resources S/C staff Rick Healy and Robert Howarth; and House Interior Appropriations S/C Clerks Debbie Weatherly and Mike Stephens. The Superintendent also briefed Representative John Shadegg (AZ-3) in 2002, who serves on the Friends of Lake Powell Board of Directors.

Several staff members of U.S. House of Representatives visited Glen Canyon and were briefed by the Superintendent during an August 2002 retreat. There is a general sentiment among most congressional members and staff that PWC use should be continued at some level on Lake Powell. The Superintendent and Deputy Superintendent continue to brief congressional members and staff as questions and issues arise. These briefings have provided details regarding modifications of the preferred alternative and updates about the schedule for the final environmental impact statement (FEIS) and record of decision (ROD).

Issues:

- Glen Canyon National Recreation Area (Glen Canyon) originally had until September 15, 2002 to complete an environmental impact statement and a special regulation regarding personal watercraft use on Lake Powell. This deadline was the result of a National Park Service (NPS) rule regarding PWC use within the National Park Service System and a subsequent court settlement agreement with the Bluewater Network approved on April 11, 2001. The proposed September 16, 2002 prohibition of PWC was averted with the execution of a stipulated modification to the settlement agreement. The modified settlement agreement extended PWC use in some selected National Park Service units (including Glen Canyon) until November 6, 2002.
- The FEIS provides information needed to decide whether to allow, restrict or discontinue PWC use within Glen Canyon. The FEIS examines three management alternatives and identifies the proposed actions related to visitor use zones and accessibility, developed areas, facilities and recreational services. The FEIS includes an evaluation of how each alternative will affect visitor safety, visitor experience, water quality, air quality, soundscapes, wildlife, wildlife habitat, threatened and endangered species, shoreline vegetation, cultural resources, and recreation area operations.

- The FEIS was prepared following a 60-day review period for the draft environmental impact statement (DEIS). A final determination for future PWC use will be based upon the environmental consequences analysis, public comment, the unit's enabling legislation, mission, management objectives, resources, and other values. The FEIS was completed in May 2003. The availability of the FEIS was announced in the *Federal Register* with a 30-day no-action period ending on June 23, 2003.
- The proposed special rule for managing PWC use at Glen Canyon was published on January 17, 2003, followed by a 60-day public comment period.
- Public meetings were initiated in August 2001 to solicit early input into the scope and range of issues and alternatives to be analyzed. Meetings were held in three locations: Page, Arizona; Salt Lake City, Utah; and Phoenix, Arizona. State boating officials from the State of Arizona, Department of Fish and Game and Utah Department of Natural Resources were also represented. In September, a scoping brochure was published and sent to over 1,000 interested parties. The notice of intent to prepare the EIS was published in the *Federal Register* on August 1, 2001. Public comments were accepted and considered throughout the planning process.
- There was widespread public response to the initial scoping process – over 3,500 comments were received concerning the future management of personal watercraft use within Glen Canyon. The majority of comments support continued PWC use, with education, licensing, zoning and improved manufacturing technology as possible management practices. Those opposed to future PWC use cite pollution, impacts to natural resources, public safety, and diminished visitor experience as concerns associated with PWC use.
- The DEIS was made available for a 60-day public review in September 2002 after the Environmental Protection Agency (EPA) had accepted the document and published a notice of availability in the *Federal Register* (67 FR 178). Public meetings were held in Salt Lake City, Utah; Grand Junction, Colorado; and Phoenix and Page, Arizona from October 7 through October 10 following the release of the DEIS. The 60-day review and public comment period ended on November 27, 2002. Over 30,000 public and agency comments were received on the DEIS. National Park Service responses to public comments on the DEIS are provided in Volume II of the FEIS.
- The alternatives presented in the DEIS were modified in the FEIS in response to the substantive public comments. All of the alternatives in the FEIS now include plans to conduct a 3-year pilot study to identify techniques and area restrictions to reduce visitor conflict between watercraft users and other visitors. This study would be used in development of a comprehensive lake management plan to address all uses of Lake Powell. Additionally, the preferred alternative (alternative B) was modified to include further personal watercraft use restrictions on the Dirty Devil River (along with use restrictions on the Colorado, Escalante, and San Juan Rivers that were part of the original preferred alternative). The modified preferred alternative would include speed restrictions on a small portion of the Escalante River. The modified preferred alternative also stipulates that after December 31, 2012, no one may operate a personal watercraft that does not meet the 2006 emission standards set by EPA for the manufacturing of gasoline marine engines (61 FR 52087-52169). Educational programs and materials would be enhanced to provide more information to visitors on watercraft use and safety as well as recreation area resources.

Development of a monitoring program to evaluate the effects of personal watercraft on recreation area resources is emphasized.

- The National Park Service will execute a Record of Decision (ROD) no sooner than 30 days following publication of the notice of availability of the FEIS by the EPA in the *Federal Register*. The EPA FEIS notice of availability was published in the *Federal Register* on May 23, 2003.
- The Record of Decision is scheduled to be published in July 2003. The publication of the Record of Decision will be followed by the publication of the final rulemaking. The final rule will go into effect the date that it is published.
- The Utah Shared Access Alliance, Inc. filed a lawsuit on March 18, 2003, against the National Park Service, the Director of the National Park Service, and the Superintendent of Glen Canyon National Recreation Area for declaratory and injunctive relief with the U.S. District Court in Utah. The plaintiff was seeking to remove the prohibition on PWC use in Glen Canyon National Recreation Area so that PWC can be used during the entire 2003 boating season, rather than wait until the entire rule-making process is complete, which would likely be well into the 2003 summer. In response to the Utah Shared Access Alliance lawsuit, the Bluewater Network contacted the U.S. Department of Justice and expressed a willingness to extend the grace period to allow PWC use at Glen Canyon until the NPS completed the special regulation. On April 25, 2003, all the parties agreed to the grace period extension (May 10 to September 30 or until NPS completes the special regulations, whichever occurs first) and dismissal of the lawsuit in Utah. The Federal District Court agreed to a modification of the settlement agreement between the Bluewater Network and the National Park Service on April 28, 2003. The modification allows for PWC use in all areas on Lake Powell from May 10 to September 30, 2003 with the following exceptions:
 - From the mouth of the San Juan River to Glen Canyon NRA boundary.
 - North or beyond mile marker 108 of the Colorado River (just south of Knowles Canyon), as measured from Glen Canyon Dam, to the border of the Glen Canyon NRA.
 - The segment of the Colorado River below or south of the Glen Canyon Dam to the Glen Canyon NRA border.
 - All areas where PWC use is restricted or closed in Alternative B (the preferred alternative) of the draft EIS for the Glen Canyon NRA.
- A bill was introduced in Congress on April 11, 2003 by Representatives Renzi (AZ – 1st District) and Cannon (UT – 3rd District) to extend the grace period to allow the use of PWC within Glen Canyon National Recreation Area until October 31, 2003. Passage of this bill would remove the current ban on PWC use that went into effect on November 7, 2002.
- Copies of the Final Environmental Impact Statement and the Record of Decision are available at the Park Headquarters, Intermountain Regional Office, and in electronic format at <http://www.nps.gov/glca/plan.htm>. Additional information may be obtained at the Carl Hayden Visitor Center, Glen Canyon Dam, 1000 Hwy. 89, Page, Arizona, 86040, (928) 608-6404, from the office of the Superintendent, Park Headquarters, 691 Scenic View Drive, Page, Arizona, 86040, (928) 608-6200, and at the park website.

June 25, 2003

Contact: Superintendent Kitty L. Roberts, kitty_roberts@nps.gov (928) 608-6205

DEPARTMENT OF THE INTERIOR

National Park Service

Record of Decision on the Final Environmental Impact Statement, Personal Watercraft Rule-Making, Glen Canyon National Recreation Area, Arizona and Utah

AGENCY: National Park Service (NPS), Department of the Interior

ACTION: Notice of availability of the Record of Decision on the Final Environmental Impact Statement (FEIS), Personal Watercraft (PWC) Rule-Making, Glen Canyon National Recreation Area

SUMMARY: On June 27, 2003, the Director, Intermountain Region, National Park Service, approved the Record of Decision on the Final Environmental Impact Statement, Personal Watercraft Rule-making for Glen Canyon National Recreation Area. As soon as practical the NPS will begin to implement the modified preferred alternative (Alternative B) contained in the FEIS issued May 23, 2003. Alternative B will allow PWC use in the recreation area under a special regulation with additional management restrictions. The following course of action will occur under the modified preferred alternative: PWC use will be prohibited in portions of the Colorado, Escalante, Dirty Devil, and San Juan Rivers to increase protection of environmental values and reduce visitor conflict; speed restrictions will be imposed on PWC on the Escalante River between Cow Canyon and the confluence of Coyote Creek to further reduce visitor conflict and improve visitor experience; after December 31, 2012, no one may

operate a personal watercraft that does not meet the 2006 emission standards set by the EPA for the manufacturing of gasoline marine engines; educational programs and materials will be enhanced to provide more information to visitors on personal watercraft use and safety as well as recreation area resources; development of a monitoring program to evaluate the effects of PWC use on recreation area resources; and a comprehensive lake management plan will be developed that will consider the management of all lake uses. This alternative was identified as the environmentally preferred alternative in the FEIS. It was also determined to best accomplish the statutory mission of the NPS to provide long-term protection to the NPS units' resource and significance, while allowing for a spectrum of recreational uses. It was determined that implementation of the modified preferred alternative will not constitute an impairment of park resources and values. This course of action and two other alternatives were analyzed in the Draft and Final Environmental Impact Statements. The full range of foreseeable environmental consequences was assessed, and appropriate mitigating measures identified.

The full Record of Decision includes a statement of the decision made; synopsis of the alternatives considered, a description of the environmentally preferable alternative; the decision rationale used in selecting the alternative; a finding of no impairment of park resources and values; a description of mitigation measures and monitoring plans that will be implemented for the selected alternative; a statement that addresses how all practical means to avoid or minimize environmental harm from the selected alternative have been adopted; and a description of public involvement in the decision-making process.

Basis for the Decision

In reaching its decision to select the modified preferred alternative, the NPS considered the purposes for which Glen Canyon National Recreation Area was established, and other laws and policies that apply to federal lands, including the Organic Act, National Environmental Policy Act, and the NPS Management Policies 2001. The NPS also carefully considered public and agency comments received during the planning process.

FOR FURTHER INFORMATION CONTACT: Brian Wright, Glen Canyon National Recreation Area, (928) 608-6339.

DATED: 6/27/03



Michael D. Snyder

Deputy Director, Intermountain Region, National Park Service

**UNITED STATES DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE**

RECORD OF DECISION

**FINAL ENVIRONMENTAL IMPACT STATEMENT
PERSONAL WATERCRAFT RULE-MAKING**

Glen Canyon National Recreation Area

SUMMARY

Pursuant to the National Environmental Policy Act of 1969 (Public Law 91-190) and the regulations promulgated by the Council of Environmental Quality (40 CFR Part 1500), the Department of the Interior, National Park Service has prepared this Record of Decision for the *Final Environmental Impact Statement* concerning the use of personal watercraft on the waters of Glen Canyon National Recreation Area. The National Park Service is taking action to adopt special regulations to manage or discontinue personal watercraft use within park units. The *Final Environmental Impact Statement* describes and analyzes three alternatives to manage personal watercraft on Lake Powell and its tributaries to provide for the long-term protection of park resources while allowing a range of recreational opportunities. Specifically, it evaluates proposed actions related to visitor use zones and accessible developed areas, facilities and recreational services, visitor safety and conflicts, resource protection, and recreation area operations.

PROJECT BACKGROUND

In May 1998, the Bluewater Network filed a petition urging the National Park Service to initiate a rulemaking process to prohibit personal watercraft use throughout the national park system. In response to the petition, the National Park Service issued an interim management policy requiring superintendents of parks where personal watercraft use can occur but had not yet occurred to close the unit to such use until the rule was finalized. The National Park Service envisioned the service wide regulation as an opportunity to evaluate impacts from personal watercraft use before authorizing their use. On March 21, 2000, the National Park Service issued a regulation prohibiting personal watercraft use in all units, including Glen Canyon National Recreation Area, until the park has determined the appropriateness of continued personal watercraft use.

In response to the personal watercraft final regulation, Bluewater Network sued the National Park Service, challenging the National Park Service's decision to allow a grace period for continued personal watercraft use in 21 units. In response to the suit, the National Park Service and the Bluewater Network negotiated a settlement. The settlement allowed the 21 units to continue personal watercraft use in the short-term while each of those parks desiring to continue long-term personal watercraft use was required to promulgate a park-specific special regulation. Park units that prepare an environmental document to analyze personal watercraft use alternatives and then select an alternative to

continue such use will draft a special regulation to authorize that use in the future. Glen Canyon National Recreation Area has drafted such a rule.

As the settlement grace period deadline approached and the park units were preparing to prohibit personal watercraft use, the National Park Service, Congress, and personal watercraft user groups sought legal methods to keep the parks open to this activity. However, no method was successful. On April 22, 2002, five National Park Service units closed for personal watercraft use. On September 15, 2002, eight other park units scheduled to close to personal watercraft.

The proposed September 16, 2002 prohibition of personal watercraft was averted with the execution of a stipulated modification to the settlement agreement. The modified settlement agreement was approved by the court on September 9, 2002, and extended unrestricted personal watercraft use in some selected National Park Service units until November 6, 2002. The execution of another stipulated modification to the settlement agreement was approved by the court on April 28, 2003, which extended the grace period to allow the use of personal watercraft within Glen Canyon National Recreation Area with some geographic restrictions from May 10, 2003 until September 30, 2003.

The environmental impact statement evaluates three alternatives for managing the use of personal watercraft at Glen Canyon National Recreation Area. Two of the alternatives would allow personal watercraft use under specified conditions.

Alternative A would allow personal watercraft use through a special regulation to allow this use to continue as was managed prior to closure.

Alternative B, the modified preferred alternative, would promulgate a special regulation to allow personal watercraft use with additional management restrictions.

In accordance with the requirements of the *National Environmental Policy Act*, the alternative of no federal action also was evaluated. Under alternative C all personal watercraft use would be prohibited within the recreation area. This would occur because the National Park Service would not promulgate a special regulation allowing for continued personal watercraft use.

DECISION MADE

After thorough analysis and extensive public involvement, the National Park Service has determined it will implement alternative B (the modified preferred alternative in the *Final Environmental Impact Statement*) because it best meets the general management objectives of the National Park Service for protecting recreation area resources and values while offering recreation opportunities as provided for in the recreation area's enabling legislation, purpose, mission, and goals. The need to protect the natural environment and support the recreational interests of visitors is recognized under this alternative.

With implementation of alternative B, the National Park Service will issue a special regulation to specifically authorize the use of personal watercraft in Glen Canyon

National Recreation Area. This alternative will implement additional geographic restrictions on personal watercraft use and define an additional flat-wake zone. All personal watercraft used in the recreation area after December 31, 2012 will be required to meet the 2006 emission standards set by the EPA for the manufacturing of gasoline marine engines (61 FR 52087-52169). A person operating a personal watercraft that meets the EPA 2006 standards will be allowed to operate as described in this section. This alternative also includes strategies to better protect recreation area resources, improve visitor safety, and reduce recreational use conflicts.

Location Restrictions

Personal watercraft use will be prohibited in the following river areas, including upstream and downstream travel:

Colorado River upstream from Sheep Canyon;

Dirty Devil River upstream of Utah Highway 95 Bridge;

Escalante River above the confluence of Coyote Creek; and

San Juan River above the Clay Hills pullout.

All of these closures will increase the protection of environmental values and reduce conflict among visitor use activities.

Wake and Launch Restrictions

All of the wake restrictions pertaining to personal watercraft use contained in the *Superintendent's Compendium* (36 CFR 1.7 (b), section 3.6) are in the alternative B special regulation. These include requirements that a personal watercraft operator cannot operate at speeds in excess of 5 miles per hour or create a wake when operating within harbors, mooring areas, flat-wake areas, and other "flat-wake" buoyed areas. To further reduce visitor conflict, enhance visitor safety and experience, and protect soundscapes, alternative B will prohibit operation of personal watercraft above flat-wake speed on portions of the Escalante River. The 4.4-river-mile stretch of the Escalante River between Cow Canyon and the confluence with Coyote Creek will be designated as flat-wake for personal watercraft.

Enforcement of Features

Regulated by the States of Arizona and Utah

Personal watercraft users will continue to comply with regulations, laws, and rules set forth by the states of Arizona and Utah while operating on the waters within these states. The National Park Service will work cooperatively with both states in an attempt to develop unified laws for personal watercraft operations within the boundaries of the recreation area. To provide additional enforcement of the existing watercraft regulations on the lake, the superintendent will vigorously seek funding to increase the law enforcement capability on Lake Powell, particularly during high-visitation periods. Enhanced boat patrols will have the added advantage of increasing the number of visitor

contacts on the lake to prevent unsafe actions that could result in injuries and visitor use conflicts.

Education

Alternative B will improve visitor education to provide more information regarding regulations pertaining to personal watercraft use and safety. The goal is to avoid or reduce accidents, visitor conflicts, and adverse effects on recreation area resources. Features of the improved education program could include: improving interpretive contacts and programs to incorporate relevant personal watercraft safety information; providing literature to visitors at entrance stations on personal watercraft safety and regulations; and coordinating with concessioner and other Lake Powell Water Safety Council members to disseminate information to recreation area visitors about the safe use of personal watercraft.

Sanitation

The recreation area will continue to evaluate areas to install new portable facilities for recreational users, including personal watercraft users. The goal is to reduce adverse water quality effects from human waste and reduce the risk of transmission of water-borne diseases.

Monitoring and Sampling Programs

The recreation area will continue to implement the monitoring and sampling program for contamination by human waste. In addition, alternative B will include new air and water quality monitoring and sampling programs for hydrocarbon contamination. The recreation area will also conduct noise monitoring in association with personal watercraft use, as funds allow.

An important element of this alternative will be protecting water quality and air quality from chemical pollutants emitted from personal watercraft, and protecting natural soundscapes from personal watercraft noise. With implementation of this alternative, water quality, air quality, and noise sampling and monitoring will be conducted to establish baseline conditions and resource trends from which to detect changes and develop a management and protection program. These efforts will allow recreation area staff to make management decisions based on recreation area-specific data and will improve protection of recreation area resources, as funds allow.

Lake Management Plan

The superintendent will seek funding for the development of a lake management plan to address the overall use of the recreation area. The objectives of this plan are to improve the management of Lake Powell and to provide for the long-term protection of lake resources while allowing a range of visitor recreational opportunities.

To support preparation of the lake management plan, a 3-year pilot study will be conducted. The study will test whether selected management actions could mitigate conflicts between watercraft users and other visitors.

OTHER ALTERNATIVES CONSIDERED

Alternative A: Continue Personal Watercraft Use as Currently Managed under a Special Regulation

Alternative A would allow the management and regulation of personal watercraft use, as provided for in the recreation area's *Superintendent's Compendium*, under a special regulation. Alternative A would not place any restrictions on the type of personal watercraft engine used in the recreation area.

Under alternative A, personal watercraft use would be authorized in all areas of Lake Powell, except where specifically prohibited in the *Superintendent's Compendium*. Location restrictions would include:

- Upstream travel on the Dirty Devil River from the point where measurable downstream current is encountered;

- Upstream travel on the Escalante River upstream from the confluence with Coyote Creek;

- Upstream travel on the San Juan River upstream from the Clay Hills pullout; and

- Upstream travel on the Colorado River upstream from the base of Imperial Rapid.

Downstream travel through these areas by personal watercraft would be allowed.

Alternative A would also include a 3-year pilot study to identify the techniques and area restrictions that would be most effective in reducing conflicts between watercraft and other visitors. The pilot study would support the development of a lake management plan which would comprehensively consider all lake uses to better protect recreation area resources, improve visitor safety, and reduce conflicts.

Under alternative A, personal watercraft users would continue to comply with regulations, laws, and rules set forth by the states of Arizona and Utah while operating on the waters within these states. To provide additional enforcement of the existing watercraft regulations on the lake, the superintendent would vigorously seek funding to increase the law enforcement capability on Lake Powell, particularly during high-visitation periods.

Sanitation would continue to be addressed by continuing to operate and maintain both portable and permanent toilets and pump-out stations. The recreation area would continue to evaluate areas to install new portable facilities for recreational users, including personal watercraft users.

Under alternative A, the National Park Service would continue its participation in the program to monitor water quality. This program is being conducted in conformance with the "Strategic Plan to Protect Water Quality at Lake Powell" that was entered into in 1996 by the National Park Service and the Arizona and Utah Departments of Environmental Quality. No additional sampling or monitoring efforts would be implemented with alternative A.

Alternative C: No-Action (Personal Watercraft Use Would Be Eliminated)

Alternative C is the no-action alternative. The National Park Service would not take action to promulgate a special regulation that would allow personal watercraft use. Therefore, under the provisions of the March 21, 2000 final rule, all personal watercraft use would be permanently eliminated from the recreation area.

Alternative C would also include a 3-year pilot study to identify the techniques and area restrictions that would be most effective in reducing conflicts between watercraft and other visitors. This study would support the development of a lake management plan which would comprehensively consider all lake uses to better protect recreation area resources, improve visitor safety, and reduce conflicts.

Under this alternative, law enforcement personnel would be responsible for enforcing the ban on personal watercraft. The superintendent would vigorously seek funding to increase the law enforcement capability on Lake Powell, particularly during high-visitation periods, to provide additional enforcement of the existing watercraft regulations on the lake.

Alternative C would require the preparation and distribution of materials informing the public of the ban on personal watercraft use in the recreation area. This would involve developing information for new recreation area exhibits, hand-outs, community outreach and special programs, and updates to the recreation area website.

Sanitation facilities around the recreation area would continue to be used by other boating and land-based recreation users. Sanitation would be addressed by continuing to operate and maintain both portable and permanent toilets and pump-out stations. The recreation area would continue to evaluate areas to install new portable facilities for recreational users.

Monitoring and sampling programs would include continued water quality monitoring to conform to the "Strategic Plan to Protect Water Quality at Lake Powell" that was entered into in 1996 by the National Park Service and the Arizona and Utah Departments of Environmental Quality. No additional sampling or monitoring efforts would be implemented with alternative C.

DESCRIPTION OF THE ENVIRONMENTALLY PREFERRED ALTERNATIVE

The environmentally preferred alternative is the alternative that will promote the *National Environmental Policy Act*, as expressed in section 101 of the act. Alternative B is the environmentally preferred alternative. This alternative was designed to meet the general management objectives of the National Park Service for protecting recreation area resources and values, while providing the opportunity for personal watercraft operators to enjoy water-based recreation.

Alternative B would have impacts on recreation area resources and visitor use and experience at Glen Canyon National Recreation Area similar to alternative A. However,

alternative B would prohibit the use of any personal watercraft after 2012 that did not meet the emission standards set by the EPA for the manufacturing of gasoline marine engines. This alternative would also further restrict personal watercraft use within portions of the Dirty Devil, Escalante, San Juan, and Colorado Rivers. These restrictions would reduce adverse effects on water quality, air quality, and soundscapes relative to alternative A while allowing for a wider range of recreational uses than alternative C. This alternative would emphasize recreational opportunities for visitors while enhancing protection of sensitive natural and cultural resources.

The selected action (alternative B) satisfies the requirements of section 101 of the *National Environmental Policy Act*, which are to:

Fulfill the responsibilities of each generation as trustee of the environment for succeeding generations.

Ensure for all generations safe, healthful, productive, and aesthetically and culturally pleasing surroundings.

Attain the widest range of beneficial uses of the environment without degradation, risk of health or safety, or other undesirable or unintended consequences.

Preserve important historic, cultural, and natural aspects of our national heritage, and maintain, wherever possible, an environment that supports diversity and variety of individual choice.

Achieve a balance between population and resource use that will permit high standards of living and a wide sharing of life's amenities, enhance the quality of renewable resources, and approach the maximum attainable recycling of depletable resources.

DECISION RATIONALE

The National Park Service determined that the selected action (alternative B, the modified preferred alternative) provides the greatest benefit to both the biological and human environments in the recreation area and the surrounding communities. Based upon detailed environmental analysis and with consideration of American Indian tribes, public, and agency comments on all three alternatives, the modified preferred alternative was deemed to achieve best the mandates of the National Park Service to ensure long-term natural and cultural resource preservation, while accommodating appropriate levels of visitor use and providing appropriate means of visitor enjoyment. It is the option which best reconciles the needs and desires expressed by diverse reviewers (including neighboring communities, American Indian tribes and groups, advocacy groups, regional, state, and national publics, and multiple local, state and federal agencies). The selected action best achieves the goals and objectives identified in the *Final Environmental Impact Statement* and fulfills the purposes of the recreation area as described in the legislation that established Glen Canyon National Recreation Area.

The primary management objective for Glen Canyon National Recreation Area, as identified in the general management plan, is "to manage the recreation area so that it provides maximal recreational enjoyment to the American public and their guests." With this in mind, alternative B was selected because it allows for continued public enjoyment of personal watercraft while enhancing protection of recreation area resources. The location and wake (speed) restrictions, in combination with an improved education program will likely increase visitor safety, reduce user conflicts, and aid visitor understanding of their role in protecting recreation area resources. Prohibiting the use of personal watercraft after December 31, 2012 that do not meet the EPA 2006 emission standards for the manufacturing of gasoline marine engines will reduce adverse effects on recreation area natural resources, in particular water quality, air quality, and natural soundscapes. Additional management actions and measures to offset potential adverse effects of all watercraft use, including personal watercraft, will be considered based on the findings of the proposed 3-year pilot study and completion of a comprehensive lake management plan.

Although alternative A would also meet the recreation area's primary management objective, it would not provide as many resource protections as alternative B. Alternative C does meet the primary management objective; however, it does not provide the range of recreational opportunities that is provided for under alternative B because it would prohibit the use of all personal watercraft in the recreation area.

New Monitoring Programs

Alternative B will institute new air and water quality monitoring and sampling programs. The new monitoring and sampling will examine the potential for hydrocarbon contamination of the air, water, and lake sediments. Noise monitoring in association with personal watercraft use (and other noise-generating activities) will be conducted as funding allows. These programs will augment the existing and continuing monitoring and sampling as part of the "Strategic Plan to Protect Water Quality at Lake Powell" that is conducted cooperatively between the National Park Service and the Arizona and Utah Departments of Environmental Quality.

Only alternative B would implement new monitoring and sampling plans. The implementation of these new plans, in conjunction with continued monitoring and sampling, would provide the best protection of resources at the recreation area.

Pilot Study and Lake Management Plan

Conducting the 3-year pilot study to determine the effectiveness of management actions aimed at increasing visitor safety and reducing visitor conflicts will supplement and support the preparation of a comprehensive lake management plan. The management plan will consider all uses of the lake and will address management issues that are not adequately dealt with or resolved in other planning efforts.

Each of the alternatives includes plans to undertake the pilot study and prepare a comprehensive lake management plan. Alternative B, by virtue of increased resource

protection resulting from other elements of the alternative, represents the best choice of alternative courses of action.

Enhanced Education

Alternative B will improve visitor education by providing more information regarding regulations pertaining to personal watercraft use and safety through enhanced interpretive programs and literature. Educational materials and interpretive programs will be enhanced to identify areas of the recreation area where visitors can enjoy natural quiet and solitude. These actions will increase recreation area efforts to avoid or reduce accidents, visitor conflicts, and adverse effects on recreation area resources. Neither alternatives A nor C include enhanced educational components such as those described for alternative B.

Engine Type

The EPA passed a regulation in 1996 to regulate exhaust emissions from new gasoline marine engines (61 FR 52087-52169). The EPA emission standards for the manufacturing of these engines will be fully implemented in 2006. Marine engines that do not meet these standards have been shown by the EPA to be inefficient, allowing up to 30 percent of the fuel to be discharged directly into recreation area waters. On December 31, 2012, all personal watercraft engines will be required to meet these EPA manufacturer standards for operation on Lake Powell. This time frame will allow adequate time to inform the public and allow for a timely conversion to the more efficient engine technology.

Alternative A would not institute any restriction on personal watercraft engine technology and would therefore not achieve the same level of protection of recreation area natural resources, in particular air quality, water quality, and natural soundscapes, as will be provided for with implementation of alternative B.

Alternative C would not permit the use of personal watercraft and would as a result provide for the greatest protection of natural resources in the recreation area. However, it would not provide for the diversity of recreational uses as does alternative B. Therefore, alternative B represents the best compromise between meeting the recreation area's primary objective of providing maximal recreational enjoyment while protecting the recreation area's resources and values.

FINDING ON IMPAIRMENT OF PARK RESOURCES AND VALUES

The National Park Service has determined that implementation of alternative B, the modified preferred alternative, will not constitute impairment of park resources and values at Glen Canyon National Recreation Area. In reaching this determination, the recreation area's enabling legislation (P.L. 92-593), General Management Plan, and Strategic Plan were reviewed to ascertain the park's purpose and significance, resource values, and resource management goals or desired future conditions; the management objectives specific to resource protection goals at the park were identified; thresholds

were established for each resource of concern to determine the context, intensity, and duration of impacts; and an analysis was conducted to determine if the magnitude of the impact reached the level of impairment defined in *NPS Management Policies 2001*. Based on a thorough analysis of the environmental impacts described in the *Final Environmental Impact Statement*, the public comments received, and the application of the provisions of the *NPS Management Policies 2001*, the National Park Service has concluded that the implementation of the modified preferred alternative would not result in impairment of any of the resources and values of Glen Canyon National Recreation Area.

NPS Management Policies requires analysis of potential effects to determine whether the actions would impair park resources. As stated in *NPS Management Policies 2001* section 1.4.5.

The impairment that is prohibited...is an impact that, in the professional judgment of the responsible National Park Service manager, would harm the integrity of park resources or values, including the opportunities that otherwise would be present for the enjoyment of those resource or values. Whether an impact meets this definition depends on the particular resources and values that would be affected; the severity, duration, and timing of the impact; the direct and indirect effects of the impact; and the cumulative effects of the impact in question and other impacts.

Any impact to any park resource or value may constitute an impairment. An impact would be more likely to constitute an impairment to the extent that it affects a resource or value whose conservation is:

Necessary to fulfill specific purposes identified in the establishing legislation or proclamation of the park;

Key to the natural or cultural integrity of the park or to opportunities for enjoyment of the park; or

Identified as a goal in the park's general management plan or other relevant National Park Service planning documents.

When fully implemented, the modified preferred alternative will not impair resources or values. Although adverse impacts could occur under this alternative to water quality, air quality, soundscape, wildlife and wildlife habitat, shoreline vegetation, and cultural resources, the impacts would be minimized or offset with the implementation of mitigation measures. Furthermore, this alternative will not significantly impact resources or values whose conservation is 1) necessary to fulfill specific legislative purposes; 2) key to the natural or cultural integrity of the recreation area or to opportunities for enjoyment of the recreation area; or 3) identified as a goal in the park's general management plan or other relevant National Park Service planning documents.

Based on the analyses in the *Final Environmental Impact Statement*, the National Park Service believes the modified preferred alternative will not constitute impairment of the recreation area's resources or values. As set forth in the modified preferred alternative, adaptive management practices are fundamental to this alternative. For example, the *Final Environmental Impact Statement* identified thresholds of impacts related to air and water quality. New monitoring and sampling programs provide recreation area staff with a tool by which to monitor the level of effect that personal watercraft activities have on recreation area resources based on these thresholds. If effects are approaching unacceptable levels, recreation area managers can take the necessary and appropriate actions to reduce adverse effects and protect resources. The monitoring plans and other mitigating measures are described in further detail below.

Finally, the modified preferred alternative also protects air and water quality by prohibiting the use of any personal watercraft in the recreation area after December 31, 2012 that does not meet the emission standards set by the EPA for the manufacturing of gasoline marine engines. After this date, only the cleaner, advanced technology engine types that meet the EPA stricter 2006 emission standards will be allowed to use the waters of Lake Powell. This requirement mandates that all personal watercraft on the waters of Glen Canyon National Recreation Area will be using improved emission control engines. This will minimize potential adverse impacts to resources and will aid in preventing impairment of the recreation area's resources and values.

DESCRIPTION OF MITIGATING MEASURES AND MONITORING PLANS / STEPS TO MINIMIZE HARM

An important element of this National Park Service-selected action (alternative B) is the protection it will provide for resources in the recreation area as well as improve visitor safety and reduce visitor conflicts. Measures to avoid or minimize environmental impacts that could result from implementation of this selected alternative have been identified and incorporated into the selected action. These mitigation measures and monitoring plans or actions to minimize potential adverse effects, as described in the *Final Environmental Impact Statement* are presented by category below.

Monitoring

An adequate baseline description of chemical and noise pollution produced by personal watercraft engines has not been established within Glen Canyon National Recreation Area. Under this alternative, water quality, air quality, and noise sampling and monitoring will be conducted to establish baseline conditions and resource trends from which to detect changes and develop a management and protection program. These efforts will allow recreation area staff to make management decisions based on recreation area-specific data and will improve protection of recreation area resources, as funds allow.

Water Quality

The National Park Service is responsible for controlling water-polluting activities within recreation area boundaries and meeting Utah and Arizona and federal water quality standards. Water quality monitoring for bacterial contaminants will continue to occur in

accordance with "Strategic Plan to Protect Water Quality at Lake Powell." The recreation area will continue to implement its "Lake Powell Pure" program which includes education and the enforcement of a sanitary code.

Under the selected alternative, a lakewide monitoring program for gasoline constituents, including hydrocarbons in Lake Powell water and sediments, will be developed based on data and methods of studies that are currently taking place or planned in the recreation area. These studies are focused on determining the chemical content of sediment at the main inflow areas of selected rivers and examining the dynamics of sediment resuspension and reworking at selected river inflows. The monitoring program will consider the most likely places for contamination, such as marinas and areas downstream from major sediment depositional zones. The monitoring plan development will be guided by the Technical Advisory Committee that was formed in 1996 by the National Park Service and the Utah and Arizona Departments of Environmental Quality Water Quality Divisions and other interested organizations and agencies (including the Environmental Protection Agency) to protect Lake Powell water quality. Benthic population sampling and bioassay may be included in the monitoring plan as determined to be appropriate by the Technical Advisory Committee.

All monitoring programs will be based on approved monitoring plans that would identify, describe in detail, and provide the procedural steps required for major work elements. The plans would be reviewed and approved by the National Park Service, State of Utah Department of Environmental Quality, and State of Arizona Department of Environmental Quality.

The National Park Service will continue to educate boaters concerning the proper fueling of vessels and continue to enforce applicable regulations regarding hazardous waste management and pollution prevention in an effort to reduce fuel spillage in marinas and improve water quality in high-use areas.

Air Quality

Although no specific mitigation measures related to air quality were identified, the transition to advanced technology personal watercraft engines would reduce and minimize emissions with the potential to adversely affect air quality as a result of the implementation of alternative B.

Natural Soundscape

Several provisions of alternative B will mitigate personal watercraft noise effects on the natural soundscape compared to current conditions. These include:

Personal watercraft use on portions of the Dirty Devil, Escalante, San Juan, and Colorado Rivers will be prohibited.

Flat-wake speeds will be required between Cow and Coyote Canyons on the Escalante River.

The prohibition of personal watercraft at the end of 2012 that do not meet EPA 2006 emission standards for the manufacturing of gasoline marine engines will likely result in lower noise levels. Manufacturers of new personal watercraft vessels are incorporating noise-reducing measures to mitigate noise impacts and it is anticipated that noise from personal watercraft will decline from current levels.

In addition, a soundscape management study will be developed as a component of the lake management plan. The sound analysis will (1) describe the baseline natural ambient sound environment in qualitative and quantitative terms; (2) identify sound sources and sound levels consistent with park legislation and purposes; (3) identify the level, nature, and origin of internal and external noise sources; (4) articulate desired future soundscape conditions; and (5) recommend the approaches or actions to achieve those conditions or otherwise mitigate noise impacts.

DESCRIPTION OF PUBLIC INVOLVEMENT IN DECISION-MAKING PROCESS

On August 1, 2001, the National Park Service published a Notice of Intent to prepare the environmental impact statement for managing personal watercraft in Glen Canyon National Recreation Area. Pursuant to NEPA, the *Draft Environmental Impact Statement* was released to the public in September 2002 to obtain public comment. The agency received over 30,000 comments from persons and entities responding to the *Draft Environmental Impact Statement*. The *Final Environmental Impact Statement* was released to the public on May 12, 2003. Through scoping, a formal public comment process, and public meetings and outreach, the National Park Service conducted this planning process in consultation with affected federal agencies, state and local governments, tribal groups, and interested organizations and individuals.

Scoping

Formal public scoping for the *Draft Environmental Impact Statement* began with a Notice of Intent to prepare an environmental impact statement for managing personal watercraft in August 2001. The notice requested the public to comment on the scope of the environmental impact statement, issues and alternatives related to personal watercraft management, and other personal watercraft resource concerns. The notice also announced the recreation area's intent to hold public scoping workshops to further facilitate public participation in the process.

Public meetings were held in Salt Lake City, Utah and in Page and Phoenix, Arizona in August 2001 to solicit early input into the scope and range of issues to be analyzed related to the management of personal watercraft within Glen Canyon National Recreation Area. Scoping comments continued to be accepted and considered within the planning process. During this comment period, the National Park Service facilitated several hundred discussions and briefings to recreation area staff, congressional delegations, elected officials, tribal representatives, public service organizations, educational institutions, and other interested members of the public.

More than 3,500 letters and e-mail messages concerning personal watercraft use on Lake Powell were received. A mailing list of interested parties was compiled from attendees at the meetings and from any written comments received at the recreation area.

During the public workshops, 146 written comments regarding issues, concerns, and alternatives for management were received. These comments ranged from the support of the continued use of personal watercraft throughout the recreation area (over 80%), to a total ban on personal watercraft use, to restrictions in selected areas of the recreation area.

Issues generated during the comment period included:

- Visitor safety concerns related to illegal and reckless operation of personal watercraft;

- Conflicts among different user groups;

- Educational requirements for all boaters;

- Potential resource impacts; and

- The impacts of personal watercraft use related to other motorized vessels.

The planning team used the public comments and agency input to revise the preliminary alternative concepts into the three personal watercraft management alternatives for Glen Canyon National Recreation Area that were evaluated in this environmental impact statement. Public input also was used to define the issues that were evaluated within each impact topic.

Public Outreach and Comments

Following the September 2002 release of the *Draft Environmental Impact Statement*, there was a 60-day public review and comment period on the document. The Notice of Availability was published in the *Federal Register* on September 13, 2002 and the 60-day review period ended on November 27, 2002. Public meetings were held from October 7 through October 10 following the release of the *Draft Environmental Impact Statement*. Public meetings were held in Salt Lake City, Utah; Grand Junction, Colorado; and Phoenix and Page, Arizona. Members of the National Park Service interdisciplinary planning team were available at the public meetings to answer questions concerning the environmental impact statement. Comment sheets were provided for people to submit written comments, and a stenographer was available to record verbal comments. The public was also encouraged to comment via the Internet. The National Park Service provided notification of public meetings on the Glen Canyon National Recreation Area website and through press releases to newspapers and television and radio stations in the region including each of the cities where meetings were held.

The National Park Service received 20,018 comment documents during the public comment period. Collectively, they contained 31,216 comments. Comments were received by letter, fax, and electronic mail; on comment forms collected at public

meetings; as petitions; and in oral transcripts. See volume II of the *Final Environmental Impact Statement* for a complete description of the comment analysis process.

The *Final Environmental Impact Statement* was distributed to the public on May 12, 2003. Notice of the availability of the *Final Environmental Impact Statement* was published by the Environmental Protection Agency in the *Federal Register* on May 23, 2003 initiating the No Action Period which will conclude on June 23, 2003.

Interagency and Tribal Consultations

U. S. Fish and Wildlife Service and State Wildlife Agencies

In accordance with section 7 of the *Endangered Species Act* (16 U.S.C. 1531 *et seq.*), the National Park Service conducted informal consultation with the U.S. Fish and Wildlife Service. A letter from the U.S. Fish and Wildlife Service dated May 9, 2002 and included in appendix G.1 identified seven species for Coconino County, Arizona and eight species for Kane and San Juan Counties, Utah that may occur within or adjacent to the personal watercraft analysis area. Of the 15 species identified, 13 are listed, 1 is proposed, and 1 is a candidate species. Lake Powell also provides critical habitat for four endangered fish species.

The *Draft Environmental Impact Statement* was submitted to the U.S. Fish and Wildlife Service in October 2002 for their review as part of the consultation process. The U.S. Fish and Wildlife Service provided response to the *Draft Environmental Impact Statement* and concurred that the selected alternative is "not likely to adversely affect" threatened or endangered species or their critical habitat. Their response can be found in volume II of the *Final Environmental Impact Statement*.

Advisory Council on Historic Preservation and State Historic Preservation Officers

On April 26, 2002 Glen Canyon National Recreation Area sent letters to the Utah and Arizona state historic preservation officers (appendix G.4 of the FEIS) and the Advisory Council on Historic Preservation (appendix G.5 of the FEIS). The letters invited them to participate in the planning process and informed them that the National Park Service plans to use this environmental impact statement to fulfill the requirements of section 106 of the National Historic Preservation Act as well as to comply with provisions of the *National Environmental Policy Act*. A reply dated May 7, 2002 was received from the Utah State Historic Preservation Officer acknowledging that the recreation area will be using the environmental impact statement process to accomplish section 106 compliance. A copy of this correspondence is included in appendix G.4 of the *Final Environmental Impact Statement*. The *Draft Environmental Impact Statement* was submitted to the Arizona and Utah state historic preservation officers in September 2002. The Arizona State Historic Preservation Officer response supporting alternative B can be found in volume II of the *Final Environmental Impact Statement*. The Utah State Historic Preservation Officer responded by phone to Glen Canyon National Recreation Area on April 22, 2003 stating no further concerns with the proposed action.

Tribal

Glen Canyon National Recreation Area sent letters to the Navajo Tribal Historic Preservation Officer on April 26, 2002 inviting them to participate in the planning

process. The Navajo Nation Historic Preservation Department, Traditional Cultural Program responded on May 14, 2002, noting that the Navajo Nation does not have any concerns with the proposed project at this time, but requested that they be notified should Navajo resources be identified. Traditionally associated tribes were contacted by letter in May 2000 and August 2002 to begin government-to-government consultation regarding this project. Tribes that were contacted include the Hopi Tribe, Kaibab Paiute Tribe, Kanosh Band of the Paiute Indian Tribe of Utah, Koosharem Band of the Paiute Indian Tribe of Utah, Navajo Nation, San Juan Southern Paiute Tribe, and Ute Mountain Indian Tribe.

CONCLUSION

Alternative B, the selected action, provides the most comprehensive and proactive strategy among the alternatives considered for meeting the National Park Service's purposes, goals, and criteria for managing personal watercraft in Glen Canyon National Recreation Area in accordance with Congressional direction, federal laws, and NPS *Management Policies*. The selection of alternative B, as reflected by the analysis contained in the *Final Environmental Impact Statement*, would not result in the impairment of park resources and would allow the National Park Service to conserve park resources and provide for their enjoyment by park visitors.

Approved: 

Date: 6/27/03

Michael D. Snyder

Deputy Director, Intermountain Region, National Park Service